



**Benton  
County**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Community Development Department

Office: (541) 766-6819  
360 SW Avery Avenue  
Corvallis, OR 97333

co.benton.or.us/cd

**APPLICATION**

**LOT OF RECORD DWELLING IN THE EXCLUSIVE FARM USE ZONE  
OR MULTI-PURPOSE AGRICULTURE ZONE  
(High-Value Soils only)**

File # \_\_\_\_\_

Fee: \$ \_\_\_\_\_  
(SEE CURRENT FEE SCHEDULE)

**Property Owner or Contract Purchaser Information**

Name: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

City & Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Other individuals to be notified of this application:

<u>Name</u>	<u>Address</u>	<u>City &amp; Zip</u>	<u>Email</u>

**General Property Information**

Assessor's Map & Tax Lot Number: T \_\_\_\_\_ S, R \_\_\_\_\_ W, Section(s) \_\_\_\_\_, Tax Lot(s) \_\_\_\_\_

Acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_ Existing Structures: \_\_\_\_\_

Current use(s) of the property; if farmed, list the crops or livestock produced: \_\_\_\_\_

Please circle this property's Standard Industrial Class – SIC Code:

(Standard Industrial Class - SIC Code)		
001-Not in Production	002-Cons. Reserve Prog. (CRP)	011-Cash Grains
013-Field Crops	016-Vegetables & Melons	017-Fruits and Tree Nuts
018-Hort. Specialities Crops	021-Livestock	024-Dairy Farms
025-Poultry and Eggs	027-Animal Specialities	029-Gen. Farm, Primarily Livestock
081-Forestry including woodlots	082-Christmas Trees	

When was the subject property first described in its current configuration in a separate recorded legal description? \_\_\_\_\_ Recorded Document Number: \_\_\_\_\_

Uses of adjacent property (not under the ownership of the applicant):

**North** of property: \_\_\_\_\_

**South** of property: \_\_\_\_\_

**East** of property: \_\_\_\_\_

**West** of property: \_\_\_\_\_

**Section I: Required Application Information (You will also need to complete either Section II or III.)**

An application for a lot-of-record dwelling in the Exclusive Farm Use Zone must comply with the review criteria in Benton County Code (BCC) Section 55.230 and Oregon Administrative Rule (OAR) 660-033-0130(3), as well as the siting standards in BCC 55.405 and BCC Chapter 99. Copies of these sections of the Code are available at the Community Development Department. **The information listed below must be submitted with the application and will be used to determine if the application complies with Code requirements for a dwelling.**

1. A copy of deed(s) covering the subject property.
2. A copy of the easement granting access to any proposed parcel that does not have frontage on a public road. Is the only access or proposed access to the property via a road that crosses a railroad? \_\_\_\_\_ If yes, please draw the location on your map and explain here: \_\_\_\_\_
3. Attach an accurate scale drawing of the property, showing the locations of existing structures, roads, water supply, subsurface sewage system, easements, driveways, etc., and the tentative location of all proposed structures and improvements. Show setback distances to property lines for all improvements. Label all tax lot(s). The proposed dwelling and all other structures shall be sited in compliance with BCC Section 55.405.
4. Submit recorded documents verifying that the lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner prior to January 1, 1985, or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
5. Identify by Assessor's Map and Tax Lot number any contiguous properties in the same ownership as the subject property. Also identify any contiguous properties that were in the same ownership as the subject property on November 4, 1993.
6. Is there currently a dwelling on any of the following: the subject property; contiguous property in the same ownership as the subject property; contiguous property that was in the same ownership as the subject property on November 4, 1993? A dwelling on any of these properties will preclude approval of a dwelling for the subject property.
7. Identify the soil types on the subject property, and the acreage in each soil type. [The soil type is determined from the US Soil Conservation Service "Soil Survey of Benton County".]
8. Is the lot or parcel on which the dwelling will be sited within an area designated as a big game habitat area? \_\_\_\_\_ If yes, how many dwellings are in the big game habitat in this section? \_\_\_\_\_ Explain how the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
9. Identify the facilities and services in the area (roads, utilities, fire protection, etc.).
10. What are the conditions and capabilities of these facilities and services?
11. How will the proposed dwelling affect the capabilities of these facilities and services?
12. What is the overall land use pattern of the area? What are the parcel sizes and uses? Are there dwellings on parcels of sizes similar to the subject property? Please identify by showing on a map (or by address or Assessor's Map and tax lot numbers). Would the proposed dwelling alter the land use pattern in the area?
13. Have any measures been taken to reduce potential impacts to area properties? Please discuss these or other measures taken: size and location of site; road capacities in the area; number and location of access points; location and amount of parking; internal traffic circulation; fencing screening, and landscape separations; exterior lighting; noise, vibration, air pollution, and other environmental influences; water supply and sewage disposal; law enforcement and fire protection.

14. Is the parcel predominantly composed of Class I and II soils? **Yes** (go to Section II) **No** (go to Section III)

### **Section II: Class I and II Soils**

**The Planning Commission must determine that the following criteria are met. Please address each of these in detail:**

1. Explain why the lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.

(For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.)

2. Describe how the dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
3. Describe how the dwelling will not significantly increase the cost of accepted farm or forest practice on surrounding lands devoted to farm or forest use.
4. Analyze and discuss how the dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard:
  - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area.
  - b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under subsection 55.220 and subsection 55.230 of this rule, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;
  - c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

**Section III: Class III and IV High-Value Soils**

- 5. Total acreage of all continuous parcels in the same ownership as the subject property: \_\_\_\_\_ If the acreage exceeds 21 acres the dwelling can not be approved.
- 6. Identify all tracts adjacent to the subject property that are smaller than 21 acres.
- 7. Is the subject tract bordered on at least 67% of its perimeter by these tracts? (Identify tracts by Assessor's Map and tax lot number).
  - a. If yes, were at least two dwellings established on such tracts by January 1, 1993? \_\_\_\_\_ Please identify dwellings by address or assessor's tax lot number.
  - b. If no, is the subject tract bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres? (Please identify by Assessor's Map and tax lot number). Were at least four dwellings within one-quarter mile of the center of the subject tract established by January 1, 1993? Please identify by Assessor's Map and tax lot number. Up to two of the four dwellings may be within an urban growth boundary if the subject tract abuts an urban growth boundary.

**Signature(s)**

I hereby certify that I am the legal owner or contract purchaser of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested farm dwelling would not violate any deed restrictions attached to the property.

\_\_\_\_\_  
Owner/Contract Purchaser Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Contract Purchaser Signature

\_\_\_\_\_  
Date

=====  
*For Office Use Only*

Date Application Received: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ By: \_\_\_\_\_

File Number Assigned: \_\_\_\_\_ Planner Assigned: \_\_\_\_\_

Date Application Deemed Complete: \_\_\_\_\_